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THE WHITE HOUSE
PRESS CONFERENCE
OF
CHARLES E. GOODELL
CHAIRMAN, PRESIDENTIAL CLEMENCY BOARD

THE BRIEFING ROOM

1:45 P.M. EST

MR. CARLSON: As many of you just witnessed, the President has just announced his first decisions on recommendations of the Presidential Clemency Board.

You should have a press kit, and we will have copies, or a transcript of the President's remarks, shortly following this briefing.

We have here with a brief statement and to take your questions Senator Charles Goodell, the Chairman of the Presidential Clemency Board.

MR. GOODELL: I will read a brief statement, and then will be open for questions.

The President has accepted the unanimous recommendations of the Presidential Clemency Board, that Executive clemency be granted to 18 individuals. He has granted eight full and unconditional pardons and ten conditional clemencies, which will become full and unconditional pardons upon fulfillment of specified periods of alternate service.

The distribution of lengths of alternate service is as follows: Three applicants for clemency, three months of alternate service; five applicants for clemency, six months of alternate service; one applicant for clemency, ten months of alternate service and one applicant for clemency, 12 months of alternate service.

Over and over again in reviewing the cases before the board we have found that the applicants are not the stereotyped, ideological war resisters. For the most part, the draft violations which we have examined were not consciously and directly related to opposition to the Vietnam war.

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(OVER)

In the cases of Jehovah's witnesses and some others, there was genuine conscious objection to killing, but these objectors generally did not know how to pursue their rights properly through the selective service system.

The other groups are generally people who have had severe marital problems requiring immediate attention -- the father who died, leaving a family without any means of support, or the mother or wife who became acutely ill.

Rather than being from educated and middle class backgrounds, these individuals are unsophisticated, often inarticulate, and unable to explain properly their problems.

Basically, these people just did not know how to take advantage of their rights under our legal system. They just did not know how.

Based on the applications to the Clemency Board, it appears that the impact we have held in the past of the typical Vietnam draft evader is just plain wrong.

I will entertain questions.

Q Senator, is the image of the Vietnam draft evader wrong, or is this only wrong about the image of people who are willing to come and request clemency?

MR. GOODELL: We now have about 770 applications at the Clemency Board. I would say the description I gave of these applicants generally applies to all 770. We can only go on the evidence we have. As you are aware, the Clemency Board deals only with those who have already been punished. They apply to us for clemency recommendations to the President, and they have nothing to lose.

If they get clemency, they are in a better condition, as are these 18 individuals the President has acted upon today. If the Clemency Board recommends against clemency, they remain in exactly the same status they were in when they applied.

Q Those who have been pardoned and those who will be pardoned, after they do their service, will they get back veteran's benefits and will they get citizenship privileges again?

MR. GOODELL: A pardon gives back most of their civil rights.

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Q Most, not all?

MR. GOODELL: The intent of a pardon is to give back all their civil rights, but that is a decision that is made by a very large number of agencies, the States, the local governments who do licensing. They decide whether they will accord full comity to a pardon. Usually it is done.

The President's power is to pardon them, and that goes on their record. They are pardoned, and the intent is to restore their civil rights.

Q You mean, State agencies can decide on a matter like this, as to whether they withhold from a man --

MR. GOODELL: Yes, the States frequently have laws that if you are a convicted felon, you cannot vote or you cannot get certain types of licenses or you cannot participate in certain types of professional activity.

As I mentioned, I think once before, there are several States that will not give you a license to be a bartender if you have a felony record. So, the pardon generally restores those rights.

Q Does this mean they are still considered felons?

MR. GOODELL: There is no power in the President to expunge the record, but they are pardoned. They do have to continue to apply, when they are asked, if they have ever been convicted of a felony, "Yes, but I have been pardoned."

Q But they will get their veteran's rights, right?

MR. GOODELL: These individuals do not, for the most part, have any veteran's rights.

Q You say they do not have --

MR. GOODELL: These that we disposed of today are civilians that never went into the military. These are civilians, these 18 that we disposed of on the board and the President signed today.

Q If in the future you have military, will they get their rights back after they are pardoned?

MR. GOODELL: If an individual gets a full pardon, he presumably would get his veteran's rights.

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Q These are evaders and not deserters, is that right?

MR. GOODELL: These are all civilians. They are the ones who violated the draft laws as civilians, and were convicted in Federal court.

Q We need their home towns and we need to match them up with this case history.

MR. GOODELL: Let me say we did not give home towns and addresses because particularly of the ten cases that are required to do alternate service, we want to protect their privacy to the degree that it is possible, and certainly with the small number of cases, you can probably put a great number of them together.

They have a right to apply to the board for reconsideration in 30 days, so in the cases of those who are getting alternate service, we prefer not to identify them further.

Q You cannot keep this back. People in their home towns, they know about them already.

MR. GOODELL: Fine. You have got what we have given you.

Q We need more. How can we match this up?

MR. GOODELL: I am sorry. I am not going to go any further in invading their privacy than this. We have given summaries which give you a flavor of the types of cases.

Q Charlie, we cannot carry the summaries on all these people. We have to know which summary goes with which man.

Q If you want to identify it, that is yours, but I don't think the board properly, at this stage, wants to invade their privacy that far.

Q This is not giving us Government information.

MR. GOODELL: There is a conflict. There are two rights here -- the right of their privacy and the right of the public to know, and we have done the best we could to let the public know while protecting some of the more intimate details of their life.

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I do not think, for instance, that you or anybody else would like to have our full Government files exposed to the public. Just open it up and anything that is in there, unverified or anything else. What we have done is make those files available to the applicant, fully.

They cannot look at them. We have made available to them a summary of the material we have used in our deliberations, and they have had an opportunity to reply and correct the record.

Q Has the board made only these 18 recommendations to the President, and does that mean you still have the cases of the 60 other people who were furloughed at the time of the September 16 announcement before you?

MR. GOODELL: Yes. The board has been going through, for two months, the process of examining these cases. We have looked at over 100 cases in that process, working out our rules, and guaranteeing to all the applicants their rights.

This is the first time that any cases were in a position where the applicants had had the full opportunity to correct the record and make any statements they wished to the board.

We have actually acted on 25, but there are seven cases withheld because the applicants have asked for more time to make further information available to the board.

We will be meeting three days next week -- Thursday, Friday and Saturday -- and three days each of the following two weeks, and there will be a fairly large number of decisions and recommendations made to the President.

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Q Are the furloughs still in effect for those who --

MR. GOODELL: Furloughs are still in effect and we expect we will be acting on all those cases prior to the expiration of furloughs.

Q What is your proportion of veterans to civilian draft dodgers among these 770?

MR. GOODELL: It is about two military to one civilian. We can give you the exact figures. I think they probably have them available here.

Q One other question --

MR. GOODELL: About two-thirds of them are military.

Q -- why doesn't the board work a 5-day week?

MR. GOODELL: The board is part-time. It is Father Hesburgh and Vernon Jordan, and each of us has to try to make a living and carry out our other responsibilities. This is an advisory committee appointed part-time, and I must say the board members have been very generous in the giving of their time and none of the two-month period -- not one day of that two-month period -- has been because of the board not being able to meet.

As I indicated, we had to get our rules out so they knew what the rules were and given them a full opportunity to present their evidence to the board.

Q At the time of your briefing by the Selective Service and Defense Department and Justice Department last week, you said you were somewhat disappointed in the turn-out. Would you like to see the cut-off date extended beyond January 31st?

MR. GOODELL: No. I do not think we should give anybody any false hopes about January 31st to be extended. If they are interested, they should apply now and I am not certainly going to predict anything that might lead somebody to delay when he should get his application in.

Q In your statement, you noted that in all these 18 cases, the clemencies will become full and unconditional pardons upon fulfillment.

MR. GOODELL: That is correct.

Q Will that generally be the pattern?

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MR. GOODELL: Yes, sir. If there is clemency granted, it will either be an outright pardon, as eight of these were, with no alternate service, or a period of alternate service at the end of which time, if satisfactorily served the individual would have earned a pardon.

Q Are you still disappointed --

Q In the situation here where you made this statement about the stereotype and all three of our network cameras picked up that statement and it applies only to the 770. Are you concerned at all that you might still be giving what amounts to a false impression of all draft dodgers and deserters since those with moral convictions are probably not among the first to come back. And, secondly, are you concerned that you are not attracting that kind of individual back and something needs to be done so you will?

MR. GOODELL: I want everybody to have full understanding of this program and I want the American people to understand the nature of the program and of the applicants who have come before our board. I cannot speak for the applicants to the Justice Department or the Defense Department. That has not been part of my deliberations.

I can speak to you about the nature of the applicants we have had, some 770 of them, to the Clemency Board, and they are not the stereotyped college war resistor. Most of them are from poor families and relatively low educationally. We have some applications to our board who are college graduates or who have a record of being very strong on principle against the war or against any war.

Of these first eight pardons, you would find at least five of them in there are related to religious beliefs. Very strong. Jehovah's Witnesses, Black Muslims. And the others seems to have a fairly strong conviction on this, too, but the description I gave to you of the nature of the applicant applies to the 770 that have come before our board so far.

Q Let me repeat the second part of the question. Does this raise a concern for you that you may not be getting the other kind who might be out there in great numbers and that maybe something needs to be done?

MR. GOODELL: I am concerned that I think the program is not well understood by those who are eligible to apply, particularly the clemency board phase of the program. Since there are a large number of people out there who have been punished for either draft-related offenses or AWOL desertion, during this nine-year period, from 1964 through 1973.

If they apply to the board they may get some relief as these 18 here are getting relief from the President of the United States.

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We are not in the business of going out and persuading people or soliciting. We do want them fully informed so they can make a judgment on their own, a conscious judgment as to whether they want to apply or not.

Q Just for clarification, the conditional clemencies now, where do these fellows go? Do they go to the Selective Service now for their alternate service?

MR. GOODELL: Yes. We will notify them to get in touch with the Selective Service Office of their choice, really, wherever they wish to live, and then they, according to the Selective Service standards described to us, will be given 30 days to find their own job that would qualify.

If they cannot do that, the Selective Service then comes in and tries to help them get a job with the one major requirement that they are not to be given jobs that are in the general competitive job market.

Q Is this final or did you say they had another 30 days to appeal the conditional clemency or did I misunderstand?

MR. GOODELL: Under the board's procedures, the ones who are given alternative service here could apply to the board with new information or additional information for 30 days. That is simply to protect their rights in the event they come up with additional evidence that they think is relevant and important. There will not be reconsideration unless there is some new evidence normally presented to us. But they do have that right under our regulations.

Q Have those procedures now been published?

MR. GOODELL: Yes, sir.

Q They have been enforced into law?

MR. GOODELL: They are in the Federal Register and they are in force. Yes.

Q How many draft, total numbers, are there and how many countries, and also, what jobs would be available as an alternative?

MR. GOODELL: I think you had better ask the last question of the Selective Service system. They have a full, several-page list. We can certainly help you get it. We have it in our office, too, and we will be glad to supply it to you. There is a large number of categories of jobs that are in the public interest, in health or education or non-profit, charitable organizations, things of that nature.

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As far as the total numbers, we have roughly 770 applications to date, and if you will recall the numbers I gave you previously, the total number of civilians eligible to apply is 8,700 and the military is an estimate, but it is in excess of 100,000 according to the Defense Department's best judgment.

Q How many countries are they in?

MR. GOODELL: Most of ours are -- in fact, none of ours are in any country but the United States. These are individuals who stayed here, were picked up, convicted and punished.

Q Sir, this may be a misunderstanding. Earlier I thought you said that of the 770 it was about two to one military.

MR. GOODELL: That is correct.

Q Now, I do not understand that in relationship to the military having 8,000 or your board having authority in 8,700 cases and the military over 100,000.

MR. GOODELL: We have authority over two types of applicants. One, a civilian who has never been in the service and had draft violations of which he was convicted. He went to Federal prison, never was in the military. That is 8,700. We also have jurisdiction over those who were in the military and were convicted of AWOL or desertion while in the service and that number is in excess of 100,000. They can apply to us also.

Q But does that mean now that the 770 figure would cover all those who have applied for anything and does not cover the ones who have gone to the military?

MR. GOODELL: The 770 is the total civilian and military applications. Roughly two-thirds of those -- we can give you the exact number -- are military and one-third are civilians.

Q This accounts for guys then who go to the military --

MR. GOODELL: No, they don't go to the military. They come to us. The ones who go to the military or go to the Justice Department have not been punished. They are returners. We do not deal with returning individuals at all. Ours have already been punished for what they did. The Justice Department handles the civilian returning and in the Defense Department, their own military handles the military returning.

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That, I hope you can emphasize because it is one of the confusions that has prevailed about this program. And I must say to you that I think you can give whatever reasons you wish, speculatively, as to why people do not return from Canada or from Sweden who have not been punished up to now.

These individuals have all been punished and they really have nothing to lose to apply to the clemency board. If we don't give them clemency, they have already been punished, they remain in their present status. If we do give them clemency they are better off.

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Q Your total is 8,070, is that right?

MR. GOODELL: 8,700 civilians and over 100,000 military.

Q In other words, Senator, what you are saying is --

Q That have already been punished?

MR. GOODELL: They have already been punished.

Q Does that mean they served or they simply were sentenced?

MR. GOODELL: All except a small group that was in prison at the time of the President's proclamation have already served. They may, some of them, still be on parole or probation.

Q In effect all you are doing is expunging --

MR. GOODELL: They are getting a pardon to restore their civil rights if they qualify for clemency.

Q What you are saying then is something like 108,000 people who have nothing to lose have not yet contacted you?

MR. GOODELL: That is correct. I did not do the subtraction but I will trust your subtraction.

Q It is close.

Q In other words the people who are in these other countries, who have not applied, are not under your jurisdiction?

MR. GOODELL: That is correct. Unless somebody was punished and after he got out of prison decided to go overseas. I don't believe we have had a single applicant that was not here in this country and remained here. We had one, as I recall, and there may be more, that may have at one time or another been in Canada, come back and be punished.

Q Just to clinch these facts, in other words your board just handles the people in the United States who have been in jail; Of those 8,700, 770 have been in jail and you handled them?

MR. GOODELL: No. 8,700 have been punished. Most of them with prison. There are varying penalties given out by the judges. 8,700 have been punished in the Federal civilian courts and convicted of a Federal crime, draft related offense.

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Q Once more, can you straighten this out? Does that 8,700 -- is that included in the 100,000 you mentioned?

MR. GOODELL: No. It is very simple. There are 8,700 civilian cases and over 100,000 military cases.

Q Do you know if all who are being punished are being punished or have been punished?

MR. GOODELL: Military have all been punished. If you want to go into that, a good proportion of the 100,000 have been punished with an undesirable discharge, administrative discharge. The others have been convicted at a court martial of an AWOL related offense and most of them have served their time.

Q This is the last time I would like to just clinch this. In other words 8,700 are in the United States, which you have handled, your board?

MR. GOODELL: We have not handled them. Those are the potential applicants who have been punished.

Q They have been punished?

MR. GOODELL: And they can apply to our board of which some 240 of those 8,700 have applied. I don't have the figures with me. We will give them to you.

Q In other words, your board just takes these 770 you are dealing with now?

MR. GOODELL: We will not consider any case until we get an application. These are the ones who have applied to us.

Q And you don't take any from out of the country?

MR. GOODELL: They may be out of the country, but we have had none yet. They have all served a sentence. I cannot say they are all here. Some of them may be in France or in Australia or some other place, but they have not fled the country to avoid the punishment. They have been picked up and convicted and punished here.

Q What does a former military man with a dishonorable discharge expect to get out of this? Does he get his discharge changed to a clemency discharge by you or does the Army do that?

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MR. GOODELL: Under the Executive order we have the authority to recommend to the President an upgrading of the discharge from dishonorable or bad conduct or undesirable to a clemency discharge. We also have the authority to recommend a pardon in the military cases as well as in the civilian cases.

Q Senator, doesn't a clemency discharge carry with it a social stigma as well? When prospective employers look at a clemency discharge wouldn't they know this is someone who at some point in his military career decided to go AWOL or break military rules?

MR. GOODELL: There is no way for me to answer that question. There will be varying reactions to a clemency discharge, I am sure. The President has very strongly and very beautifully stated today, as he has before, his feeling that there should be clemency in the land and the American citizens should view this clemency discharge with that in mind. I hope that the American people will accept this program -- I think they do overwhelmingly-- as a fair program, and they will therefore accord full respect to clemency discharges.

Q Charlie, a man who has had an administrative discharge or dishonorable discharge, does he have to go before the military to get this thing straightened out or can he come to you?

MR. GOODELL: He comes to the Clemency Board if he has been punished. If he has deserted and has never been picked up or punished he goes back through his own service. If he has been picked up and punished, either given an undesirable discharge, court martialed and given dishonorable or bad conduct, they come to us. Anybody who has been involved in these kinds of offenses and has been punished is our jurisdiction. If they have not been punished, they are not in the Clemency Board's jurisdiction.

Q What happens when a person goes back to his own service?

MR. GOODELL: I cannot answer that. That is the Defense Department's jurisdiction. If they have not been punished, that is when they go back to their own service. That is when they go out to Fort Benjamin Harrison and the Defense Department processes them out and gives them alternate service. But that is not under the Clemency Board and I don't want to get off on that because there is enough confusion about what our jurisdiction is already.

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Q Senator, you have said that there is confusion about this. It seems as if every time this comes up at a press briefing the press cannot even get the distinction straight. Wouldn't we have been better off with a unified program where anybody, no matter what category, resistor, evader, or what have you that he was in, would know to go to one place?

MR. GOODELL: Well, let me say that they can come to one place. I have urged that they come to one place; for information, for our guidance, we will help them get attorneys. Whatever phase of the program they qualify for they can come for information from us. We have guaranteed that the information they give us about themselves will be kept confidential, will not be sent to other agencies of the government. We have an agreement with the Department of Justice on that. And we will inform them. If they are eligible under the Justice Department program, we will refer them there. If they are eligible under the Defense program we will refer them there, give them information, help them find attorneys of their own choice. So they can write to a central place.

The President really wants people to understand that they can get information with no fear of any kind by simply writing the Clemency Board, White House, Washington, D. C.

THE PRESS: Thank you.

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(AT 2:10 P.M. EST)